

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF SUBSECTION 5-6(A) OF THE CODE OF ORDINANCES BY EXCLUDING FARMS AND AGRICULTURAL USES FROM THE PROVISIONS OF THE SOUTH FLORIDA BUILDING CODE REGARDING NON-MOBILE STRUCTURES; PROVIDING FOR AMENDMENT OF SUBSECTION 8-16(A) OF THE CODE OF ORDINANCES BY EXEMPTING NON-RESIDENTIAL FARM BUILDINGS AND STRUCTURES FROM BUILDING PERMIT REQUIREMENTS; PROVIDING FOR AMENDMENT OF SUBSECTION 12-32(A) OF THE CODE OF ORDINANCES BY REPLACING THE TABLE OF GENERAL USES FOR RESIDENTIAL DISTRICTS AND BY PROVIDING FOR A DEFINITION OF AGRICULTURAL USES; PROVIDING FOR AMENDMENT OF SUBSECTION 12-33(T) BY ADDING SUB-SUBSECTION (1) THERETO EXEMPTING FARMS FROM NUISANCE ACTIONS AND CLAIMS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR AMENDMENT OF SUBSECTION 12-238(C) BY ADDING SUB-SUBSECTION (13) THERETO EXEMPTING THE ERECTION, USE OR MAINTENANCE OF SIGNS ON A FARM IN CERTAIN CIRCUMSTANCES FROM BUILDING PERMIT REQUIREMENTS; PROVIDING FOR AMENDMENT OF SUBSECTION 12-243(D) BY EXEMPTING THE ERECTION, USE OR MAINTENANCE OF SIGNS ON A FARM IN CERTAIN CIRCUMSTANCES FROM DETAILED SIGN REGULATIONS; PROVIDING FOR AMENDMENT OF SECTION 12-503 BY ADDING SUBSECTION (6) THERETO TO EXCLUDE FARMS AND AGRICULTURAL USES FROM THE DEFINITION OF DEVELOPMENT THROUGHOUT THE CODE OF ORDINANCES; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has enacted the Florida Right to Farm Act and various other statutes to afford broad protection and support for farms and other agricultural uses and operations wherever same may be located throughout the state; and

WHEREAS, the State of Florida has specifically exempted farms and other agricultural uses and operations from the development and building codes which are otherwise imposed by counties, cities, towns and various other political subdivisions of the state; and

WHEREAS, the Town of Davie, Florida has clearly expressed through Section 9 of the Town Charter, its residents' desire to conserve and protect its natural resources, scenic beauty, rural character and equestrian lifestyle, which has been deemed by the Town Council to include its farms and agricultural uses and operations; and

WHEREAS, the Town Council of the Town of Davie, Florida desires to further clarify and codify its commitment to support its farms and other agricultural uses and operations that have historically been part and parcel of the town's rural character and equestrian lifestyle.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie, Florida hereby gives express direction to its staff and employees that the provisions of this ordinance shall be implemented in a manner consistent with Florida Statutes and Broward County Ordinances which have been enacted to protect farms and other agricultural uses and operations;

SECTION 2. That Subsection 5-6(a) of the Code of Ordinances of the Town of Davie, Florida, entitled "Construction of non-mobile structures used for wholesale or retail sales", is hereby amended by adding the following underlined language thereto and deleting any words stricken through therefrom:

**Sec. 5-6. Construction of non-mobile structures used for wholesale or retail sales.**

(a) Every business conducted within the town for the wholesale or retail sale of merchandise, ~~including but not limited to farms, horticultural, floricultural, and grove products~~ excluding farms and agricultural uses, and products manufactured therefrom, shall be conducted within or from a structure constructed in compliance with the South Florida Building Code ~~and~~. Every such business, including farms and agricultural uses, shall have an adequate water supply and sewage disposal facilities.

SECTION 3. That Subsection 8-16(a) of the Code of Ordinances of the Town of Davie, Florida, entitled "Building permit required", is hereby amended by adding the following underlined language thereto:

**Sec. 8-16. Building permit required.**

(a) In accordance with Section 301 of the South Florida Building Code and this chapter, no construction or development, including placement of prefabricated buildings and manufactured homes, or substantial improvements on any property within the town shall be undertaken until after an applicable permit has been obtained from the building official. However, notwithstanding the foregoing requirements, the town recognizes that non-residential farm buildings and non-residential structures on farms shall be excepted from the requirements of this section.

SECTION 4. That Section 12-32 of the Code of Ordinances of the Town of Davie, Florida, entitled "Table of permitted uses", is hereby amended as follows: ~~by deleting~~

(A) Residential Districts  
General Use

						R	RM	RM	MH
	<u>RR</u>	<u>AG</u>	<u>S</u>	<u>A1</u>	<u>R1</u>	<u>2-5</u>	<u>-5</u>	<u>8-16</u>	<u>1-10</u>
<u>Agriculture Uses</u>	<u>P *</u>	<u>P *</u>	<u>N</u>	<u>P *</u>	<u>* N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Equestrian facilities</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>*</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Farms</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>*</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<del>Agriculture, Residential</del>	<del>*</del>	<del>*</del>	<del>N</del>	<del>*</del>	<del>*</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>
<del>Dude Ranch</del>	<del>*</del>	<del>*</del>	<del>N</del>	<del>*</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>
Dwellings, Mobile Home	N	N	N	N	N	N	N	N	*
Dwellings, Multiple-family	N	N	P	N	N	N	P	P	N
Dwellings, Single Family Attached	N	N	P	N	N	N	P	P	N
Dwellings, Single Family Detached	P	P	P	P	P	P	N	N	N
Dwellings, Semi-detached	N	N	P	N	N	N	P	P	N
<del>Equestrian Facilities</del>	<del>P</del>	<del>P</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>
Family Day Care Home	*	*	*	*	*	*	*	*	*
Group Home	P	P	P	P	P	P	P	P	P
Guest Cottage	P	P	N	P	P	N	N	N	N
Home Occupation	*	*	P	*	*	P	P	P	P
Life, Residential Care Facility	N	N	N	N	N	N	N	*	N
<del>Plant Nursery</del>	<del>*</del>	<del>*</del>	<del>N</del>	<del>*</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>
Recreational Facilities	*	*	*	*	*	*	*	*	*
Special Resid. Facilities	*	*	*	*	*	*	*	*	*
Subdivision Facilities	N	N	N	N	N	N	P	P	P
Watchman's Quarters	*	*	N	*	N	N	N	N	N

P = Permitted by right in this district.

N = Not permitted in this district.

\* = Conditionally permitted subject to detailed use regulations (Section 12-34).

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, Section 12-33 and Detailed Use Regulations, Section 12-34 of this Article.

The term “agricultural uses” is to be defined to mean those activities within land areas which are predominantly used as farms, and for the cultivation of crops and livestock including, but not limited to: cropland, pastureland, orchards, vineyards, nurseries, ornamental horticulture areas, groves, confined feeding operations, specialty farms, and silviculture areas.

SECTION 5. That Subsection 12-33(T) of the Code of Ordinances of the Town of Davie, Florida, entitled “Nuisances”, is hereby amended adding the following underlined language

**Sec. 12-33. General regulations.**

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**(T) Nuisances:**

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(1) No farm operation which has been in operation for 1 year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm conforms to generally accepted agricultural and management practices, except that the following conditions shall constitute evidence of a nuisance:

(a) The presence of untreated or improperly treated human waster, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.

(b) The presence of improperly built or improperly maintained septic tanks, water closets, or privies.

(c) The keeping of diseased animals which are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.

(d) The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.

(2) No farm operation shall become a public or private nuisance as a result of a change in ownership , a change in the type of farm product being produced, a change in conditions in or around the locality of the farm, or a change brought about to comply with Best Management Practices adopted by local, state, or federal agencies if such farm has been in operation for 1 year or more since its established date of operation and if it was not a nuisance at the time of its established date of operation.

SECTION 6. That Subsection 12-238(C) of the Code of Ordinances of the Town of Davie, Florida, entitled “Building Permits Required; Exceptions”, is hereby amended by adding the following language as sub-subsection (13) thereto:

**Sec. 12-238. General regulations.**

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**(C ) Building Permits Required; Exception:**

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(13) Signs erected, used or maintained on a farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, service, or entertainment sold, produced, manufactured, or furnished on such farm. It is specifically recognized that any structure that would otherwise constitute a billboard, shall be subject to all of this Code’s conditions, restrictions and prohibitions applicable to billboards.

SECTION 7. That Subsection 12-243(D) of the Code of Ordinances of the Town of Davie, Florida, entitled “Temporary Signs”, is hereby amended by adding the following underlined language thereto:

**Sec. 12-243. Detailed sign regulations.**

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(D) Temporary Signs: Temporary signs must conform to all regulations of this section. However, notwithstanding the requirements of this section, the town recognizes that signs erected, used or maintained on a farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, service, or entertainment sold, produced, manufactured, or furnished on such farm are specifically excepted from the requirements of this subsection. It is specifically recognized that any structure that would otherwise constitute a billboard, shall be subject to all of this Code’s conditions, restrictions and prohibitions applicable to billboards.

SECTION 8. That the term “Development” as set forth in Section 12-503 of the Code of Ordinances of the Town of Davie, Florida, entitled “Definitions”, is hereby amended by adding thereto the following underlined language as subsection (6) thereto:

**Sec. 12-503. Definitions.**

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Development:

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(6) It is expressly recognized that the term “development” as defined herein and throughout this Code, shall not include nor be interpreted to include any farm, or “agricultural uses” as that term is defined pursuant to Section 12-32(A).

SECTION 9. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 10. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provisions and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 11. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000

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MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000